

REMARKS

Claims 1, 9-17, 31, 32, 34, 51-53, 67-69 and 77-85 are pending.

The specification has been amended to correct sequences in the sequence listing, to add sequence identifiers, and to correct obvious typographical errors. SEQ ID NO:342-344 have been added to the sequence listing. Support for these sequences is found in the original specification at, *e.g.*, page 64, lines 21-22 (SEQ ID NO:342); at page 64, lines 29-30 (SEQ ID NO:343); at page 65, lines 4-5 (SEQ ID NO:344). Support for the amendment at page 63, line 24, can be found at least at page 48, line 19. Support for the amendment in the Table at page 75, at SEQ ID NO:273, is found at least in the name of the construct in the line above the sequence of SEQ ID NO:273 (in the original table, the sequences of SEQ ID NO:272 and SEQ ID NO:273 are identical (which is in error), but they have difference construct names; *i.e.*, the sequences are not consistent with the construct names). No new matter has been added.

Applicants acknowledge with appreciation the withdrawal of the rejection of claims 1, 9-17, 31, 32, 34, 51-53, 67-69 and 77-80 under 35 U.S.C. § 112, second paragraph, and the rejection of claim 14 under 35 U.S.C. § 112, first paragraph, for lack of enablement.

Double Patenting

Claims 1, 9-12, 14-17, 31, 32, 34, 51-53, 67-69 and 77-80 were rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1-18 of U.S. Patent No. 7,459,432 (“the ‘432 patent”), in view of U.S. Patent No. 6,956,026 (“the ‘026 patent”).

While not conceding that the claims are unpatentable over the ‘432 patent in view of the ‘026 patent, and solely in the interest of furthering prosecution, attached is a Terminal Disclaimer Under §§ 3.73(b) and 1.321(c) to disclaim any term subsequent to the expiration date of the ‘432 patent. In view of the Terminal Disclaimer, Applicants respectfully request withdrawal of the nonstatutory double patenting rejection.

CONCLUSION

Applicants believe the claims are in condition for allowance, and notice to this effect is respectfully requested.

Please apply any necessary charges, or any credits, to Deposit Account No. 50-2762, referencing Attorney Docket No. W2023-7044US.

Respectfully submitted,

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Date: April 12, 2011

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